



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

**Eighteenth Meeting Day**

**Thursday Afternoon**

**February 15, 2007**

The Senate convened at 1:52 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Gary P. Dillon.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith <input checked="" type="checkbox"/>
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas <input checked="" type="checkbox"/>

Roll Call 109: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 73, I have received from Senator Zakas, author of Senate Bill 235, permission for Senator Broden, second author, to call this bill for action.

LONG

Report adopted.

## SENATE MOTION

Madam President: I move that Engrossed Senate Bill 400, which is eligible for third reading, be returned to second reading for purposes of amendment.

FORD

Motion prevailed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

STEELE, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 70, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections,

Criminal, and Civil Matters, to which was referred Senate Bill 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

Report adopted.

STEELE, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Report adopted.

LAWSON, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Report adopted.

BRAY, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Report adopted.

LAWSON, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 451, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

Report adopted.

LUBBERS, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 457, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

Report adopted.

KENLEY, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal

Policy, to which was referred Senate Bill 466, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

Report adopted.

KENLEY, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 487, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

Report adopted.

WYSS, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 104 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Report adopted.

MILLER, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, after "technology," insert **"development of alternative fuel technologies,"**.

Page 2, delete lines 2 through 3.

Page 2, delete lines 14 through 16.

Page 2, line 17, reset in roman "(d)".

Page 2, line 17, delete "(e)".

Page 2, line 19, reset in roman "(e)".

Page 2, line 19, delete "(f)".

Page 2, line 24, reset in roman "(f)".

Page 2, line 24, delete "(g)".

Page 2, line 28, reset in roman "(g)".

Page 2, line 28, delete "(h)".

(Reference is to SB 106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Report adopted.

MEEKS, Chair

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 129, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-8-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 22. Meet and Confer for Public Safety Employees**

**Sec. 1.** As used in this chapter, "employee" means a full-time employee of a police or fire department. However, the term does not include an employee in an upper level policymaking position.

**Sec. 2.** As used in this chapter, "employee organization" means an organization:

- (1) that includes employees as members; and
- (2) whose primary purpose is to represent the members of the organization on issues concerning grievances, wages, rate of pay, hours of employment, or conditions of employment.

**Sec. 3.** As used in this chapter, "employer" means a unit.

**Sec. 4.** As used in this chapter, "recognized representative" means an employee organization elected under section 7 of this chapter.

**Sec. 5. (a)** Except as provided in section 13 of this chapter, this chapter does not apply to an employer with a population of less than nine thousand (9,000).

**(b)** This chapter does not apply to an employer that has adopted by:

- (1) ordinance;
- (2) resolution;
- (3) charter;
- (4) amendment; or
- (5) executive order;

provisions and procedures that permit an employee to form, join, or assist an employee organization to bargain collectively.

**(c) For:**

- (1) a collective bargaining agreement; or
- (2) a memorandum of understanding;

entered into between an employer and a recognized representative before September 1, 2007, this chapter may not be construed to annul, modify, or limit the agreement or memorandum during the term of the agreement or memorandum.

**Sec. 6. (a)** All employees have the right to:

- (1) meet and freely assemble to discuss their interests as employees;
- (2) form an employee organization on the employees' own time; and
- (3) join and assist an employee organization.

**(b)** The rights guaranteed under subsection (a) include the right to:

(1) solicit membership;

(2) join an employee organization to present the view of the employee; and

(3) have dues deducted from employee wages and submitted to the recognized representative.

**(c)** An employee may not be required to:

- (1) become a member of; or
- (2) pay dues to;

an employee organization.

**Sec. 7. (a)** An employee organization is the recognized representative of the employees of an employer if:

(1) before September 1, 2007, the employee organization was recognized by the employer as the sole representative of the employer's employees; or

(2) after August 31, 2007, the employee organization is elected to be the sole recognized representative under subsection (c).

**(b)** After August 31, 2007, an employer shall conduct an election to determine a recognized representative if thirty percent (30%) of the employees of the employer sign a petition requesting such an election. The election shall be conducted at least thirty (30) but not more than sixty (60) days after the employer receives the petition.

**(c)** An employee organization becomes the sole recognized representative of the employees of the employer if it receives more than fifty percent (50%) of the votes cast in an election conducted under subsection (b).

**(d)** An election under subsection (b) to determine a sole recognized representative may not be conducted more often than once every two (2) years.

**Sec. 8.** This chapter is not intended to circumscribe or modify the existing right of an employer to:

- (1) direct the work of the employer's employees;
- (2) hire, promote, demote, transfer, assign, and retain employees in positions;
- (3) suspend, discharge, or otherwise discipline employees for just cause;
- (4) maintain the efficiency of governmental operations;
- (5) relieve employees from duties because of lack of work or for other legitimate reasons; or
- (6) take actions that may be necessary to carry out the mission of the employer in emergencies.

**Sec. 9.** Employers may not do the following:

- (1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed under this chapter.
- (2) Dominate, interfere with, or assist in the formation or administration of an employee organization, or contribute financial or other support to an employee organization. However, an employer may permit employees to meet and confer and represent employee interests during working hours without loss of time or pay.
- (3) Discriminate in regard to hiring or conditions of employment to encourage or discourage membership in an employee organization.
- (4) Discharge or otherwise discriminate against an employee because the employee has filed a complaint, an affidavit, or a petition or has given information or testified under this chapter.

(5) Refuse to meet and confer in good faith with a recognized representative.

Sec. 10. (a) An employee organization or the recognized representative of the employees of an employer that elects to meet and confer with an employer must notify the employer in writing that the employee organization or recognized representative intends to exercise its rights under this chapter.

(b) Except as provided by section 11 of this chapter, an employer who has received a written notice under subsection (a) shall meet and confer in good faith at reasonable times, including meeting in advance of the budget making process, to discuss issues and proposals regarding wages, hours of employment, and other conditions and terms of employment with the:

- (1) employee organization; or
- (2) recognized representative.

Sec. 11. (a) An employer is not required to meet and confer with an employee organization under this chapter unless the employee organization has notified the employer in writing that the employee organization elects to exercise its rights under this chapter.

(b) Notwithstanding subsection (a), an employer may elect to meet and confer and enter into an agreement under section 10 of this chapter even if the employer did not receive a written notice from an employee organization.

(c) Notwithstanding any provision of this chapter, an employer may elect to terminate its duty to meet and confer with an employee organization under this chapter if:

- (1) after meeting and conferring with the employee organization under section 10 of this chapter, the employer and the employee organization are unable to reach a written agreement under this chapter; and
- (2) at least fifty percent (50%) of the members of the legislative body of the employer vote to terminate the employer's duty to meet and confer with the employee organization under this chapter and written notice of the action of the legislative body is given to the employee organization.

(d) An employee organization that receives a termination notice from an employer under subsection (c)(2) must wait at least one (1) year after the date the employee organization receives the notice to notify the employer of the employee organization's election under subsection (a) to exercise its rights under this chapter.

Sec. 12. (a) As used in this section, "deficit financing" means making expenditures that exceed the money legally available to an employer in any budget year.

(b) An employer may not enter into an agreement under section 10 of this chapter that will place the employer in a position of deficit financing. An agreement is voidable to the extent that an employer must engage in deficit financing to comply with the agreement.

Sec. 13. (a) This section applies to employees of an employer regardless of population.

(b) An employee, an employee organization, or a recognized representative may not participate in a strike against an employer.

(c) An employee engaging in a strike is subject to discharge by the employer as provided in IC 36-8-3-4.

(d) A recognized representative that engages in or sanctions a strike loses the right to represent the employees for at least ten (10) years after the date of the action.

(e) An employer may not pay an employee for days the employee is engaged in a strike.

Sec. 14. The term of any written agreement entered into under section 10 of this chapter may not exceed forty-eight (48) months.

SECTION 2. [EFFECTIVE JULY 1, 2007] (a) This act does not:

- (1) apply to or abrogate a collective bargaining agreement or memorandum of understanding; or
- (2) preclude arbitration on a provision in a collective bargaining agreement or memorandum of understanding; in effect on August 31, 2007.

(b) This SECTION expires July 1, 2008.

(Reference is to SB 129 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "This section does not apply to a person whose underlying felony offense and prior unrelated felony convictions are all felony drug offenses (as defined in section 8.3 of this chapter)."

Page 1, line 12, after "conviction;" insert "or".

Page 1, line 14, delete ";" and insert ".".

Page 1, line 14, strike "or".

Page 1, strike lines 15 through 17.

Page 2, strike lines 1 through 12.

Page 2, line 22, after "set aside;" insert "or".

Page 2, line 23, delete ";" and insert ".".

Page 2, strike lines 24 through 39.

Page 3, line 12, after "introduce" insert "evidence of".

Page 3, line 12, delete "entire criminal history" and insert "prior criminal convictions".

Page 3, line 13, delete "as evidence".

Page 3, after line 26, begin a new paragraph and insert:

"SECTION 2. IC 35-50-2-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.3. (a) As used in this section, "felony drug offense" means an offense to which all of the following apply:

- (1) The offense is a felony offense under IC 16-42-19 or IC 35-48-4.
- (2) The offense is not listed in section 2(b)(4) of this chapter.
- (b) Except as otherwise provided in this section, the state

may seek to have a person sentenced as a habitual drug offender for a felony drug offense by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated at least three (3) prior unrelated felony drug offense convictions.

(c) The state may not seek to have a person sentenced as a habitual drug offender for a felony drug offense under this section if the felony drug offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual drug offender proceeding solely because the person had a prior unrelated conviction.

(d) A person has accumulated three (3) prior unrelated felony drug offense convictions for purposes of this section only if:

- (1) the second prior unrelated felony drug offense conviction was committed after sentencing for the first prior unrelated felony drug offense conviction;
- (2) the third prior unrelated felony drug offense conviction was committed after sentencing for the second prior unrelated felony drug offense conviction; and
- (3) the felony drug offense for which the state seeks to have the person sentenced as a habitual drug offender was committed after sentencing for the third prior unrelated felony drug offense conviction.

(e) A conviction does not count for purposes of this section as a prior unrelated felony drug offense conviction if:

- (1) the conviction has been set aside; or
- (2) the conviction is one for which the person has been pardoned.

(f) The requirements in subsection (c) do not apply to a prior unrelated felony drug offense conviction that is used to support a sentence as a habitual drug offender. A prior unrelated felony drug offense conviction may be used under this section to support a sentence as a habitual drug offender even if the sentence for the prior unrelated felony drug offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.

(g) If the person was convicted of the felony drug offense in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3.

(h) A person is a habitual drug offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated three (3) prior unrelated felony drug offense convictions.

(i) The court shall sentence a person found to be a habitual drug offender to an additional fixed term that is not less than the advisory sentence for the underlying felony drug offense nor more than three (3) times the advisory sentence for the underlying felony drug offense. However, the additional sentence may not exceed thirty (30) years."

(Reference is to SB 264 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 328, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 6 and 7, begin a new line block indented and insert:

**"(4) A person for whom a national criminal history background check is required for purposes of placement of a child in a foster family home, a prospective adoptive home, or the home of a relative or other caretaker, or for purposes of a report concerning an adoption as required by IC 31-19-8."**

Page 2, line 19, delete ":".

Page 2, line 20, strike "(1)".

Page 2, line 20, delete ";" and insert ",".

Page 2, line 21, after "or" insert **"that"**.

Page 2, line 22, strike "(2)".

Run in lines 19 through 24.

Page 2, line 27, strike "applicant" and insert **"person who is the subject of a request"**.

Page 2, line 27, delete "of" and insert **"of:**

**(1)"**.

Page 2, line 28, after "IC 20-26-5-11" insert **;**

**(2) in the case of a foster family home, an offense described in IC 31-27-4-13(a);**

**(3) in the case of a prospective adoptive home, an offense described in IC 31-19-11-1(c);**

**(4) any other felony; or**

**(5) any misdemeanor;"**.

Page 2, line 28, begin a new line blocked left beginning with **"and"**.

Page 4, line 16, after "age" insert **"and who is"**.

Page 4, line 21, reset in roman **"or"**.

Page 4, strike lines 22 through 27.

Page 4, line 28, strike "IC 31-27;"

Page 4, line 28, delete "or".

Page 4, line 29, delete "(iii)" and insert **"(ii)"**.

Page 4, line 33, strike "national".

Page 4, line 34, after "check" insert **"of both national and state records data bases"**.

Page 4, line 35, after "with" insert **"IC 10-13-3-27 and"**.

Page 4, line 39, strike "and".

Page 5, line 1, after "resided" insert **"within the previous five (5) years; and**

**(3) request information concerning any substantiated report of child abuse or neglect relating to a person described in subdivision (1)(A) that is contained in a national registry of substantiated cases of child abuse or neglect that is established and maintained by the United States Department of Health and Human Services, to the extent that the information is accessible pursuant to 42 U.S.C. 16990 and any applicable regulations or policies of the Department of Health and Human Services.**

SECTION 6. IC 31-9-2-26, AS AMENDED BY P.L.145-2006, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. "County office", for

purposes of ~~IC 31-25 through IC 31-40~~ **IC 31** and the juvenile law, refers to a county office of family and children: **the department of child services established by IC 31-25-1-1.**

Page 5, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 9. IC 31-9-2-58.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 58.3. "Index", for purposes of IC 31-33-26, means the child protection index established under IC 31-33-26-2.**"

Page 6, line 6, strike "(a)".

Page 6, line 9, strike "(b) "Registry", for purposes of IC 31-33, refers to the child".

Page 6, line 10, delete "protection".

Page 6, line 10, strike "registry established by the department under".

Page 6, delete line 11.

Page 10, line 11, after "volunteer" insert ". **However, a national fingerprint based criminal history background check defined in IC 31-9-2-22.5(1)(B) and required under subsection (d)(3) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer.**"

Page 10, line 12, delete "However, if" and insert "**If**".

Page 10, line 18, after "(i)" insert "**An applicant or licensee may provisionally employ an individual or assign a volunteer for whom a criminal history check is required under subsection (d)(3) during the period after the process of requesting national fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received by not later than the ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual under subsection (d)(3), the applicant or licensee shall consider the following:**

- (1) The training time required by an employee or a volunteer.
- (2) The safety and security of the children under the supervision of the applicant or licensee.
- (3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
- (4) The staffing concerns of the applicant or licensee.
- (5) Any other factor relating to the safety and security of the applicant or licensee's operations.

(j)".

Page 10, line 25, delete "(j)" and insert "(k)".

Page 11, line 1, strike "an employee of the".

Page 11, strike lines 2 through 5.

Page 11, line 6, strike "the direct supervision of the applicant" and insert "**or the director or manager of a facility where children will be placed by the applicant**".

Page 11, line 19, delete "licensee" and insert "**applicant**".

Page 11, line 23, after "(b)" insert "**An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:**

(1) A felony described in IC 31-27-4-13(a); or

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d)".

Page 11, line 24, delete "is" and insert "**could be**".

Page 11, line 29, strike "require" and insert "**constitute a sufficient basis for the**".

Page 11, between lines 29 and 30, begin a new paragraph and insert:

"(e) **The department may adopt rules to implement this section.**"

Page 12, line 10, after "Sec. 31." insert "(a)".

Page 12, line 21, strike "an employee of the".

Page 12, strike lines 22 through 25.

Page 12, line 26, strike "the direct supervision of the licensee" and insert "**or the director or manager of a facility where children will be placed by the licensee**".

Page 12, after line 42, begin a new paragraph and insert:

"(b) **A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:**

(1) A felony described in IC 31-27-4-13(a); or

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) **Notwithstanding subsection (b), if:**

- (1) A license could be revoked due to a criminal conviction of an employee or a volunteer of the licensee; and
- (2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction;

the criminal conviction of the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section."

Page 13, line 30, reset in roman "household members who are at least fourteen (14)".

Page 13, line 31, reset in roman "years of age".

Page 13, line 31, delete "persons at least eighteen (18) years of age residing" and insert ".".

Page 13, delete lines 32 through 35.

Page 14, line 20, delete "A" and insert "With the exception of a national fingerprint based criminal history background check (as defined in IC 31-9-2-22.5(1)(B)) and required under subsection (e)(1), a".

Page 14, line 25, after "(e)(2)" insert "A national fingerprint based criminal history background check (as defined in IC 31-9-2-22.5(1)(B)) and required under subsection (e)(1) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer."

Page 14, line 32, after "(j)" insert "An applicant or licensee may provisionally employ an individual or assign a volunteer for whom a criminal history check is required under subsection (e)(3) during the period after the process of requesting national fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received by not later than the ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual under subsection (e)(3), the applicant or licensee shall consider the following:

- (1) The training time required by an employee or a volunteer.
- (2) The safety and security of the children under the supervision of the applicant or licensee.
- (3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
- (4) The staffing concerns of the applicant or licensee.
- (5) Any other factor relating to the safety and security of the applicant or licensee's operations.

(k)".

Page 14, line 39, delete "(k)" and insert "(I)".

Page 15, line 17, strike "an employee of the".

Page 15, strike lines 18 through 19.

Page 15, line 20, strike "applicant, or a volunteer".

Page 15, line 20, delete "or person residing in the residence".

Page 15, line 20, strike "of".

Page 15, strike lines 21 through 22.

Page 15, line 23, strike "applicant,".

Page 15, line 40, after "(b)" insert "An application for a license may also be denied if an adult who resides in the residence of the applicant or an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a); or

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d)".

Page 15, line 41, strike "is" and insert "could be".

Page 16, line 6, strike "require" and insert "constitute a sufficient basis for the".

Page 16, between lines 7 and 8, begin a new paragraph and insert:

"(e) The department may adopt rules to implement this section".

Page 16, line 30, after "32." insert "(a)".

Page 17, line 1, strike "an employee of the".

Page 17, strike lines 2 through 5.

Page 17, line 6, strike "direct supervision of the applicant,".

Page 17, line 6, delete "or a person at least eighteen".

Page 17, line 7, delete "18 years of age who is residing in the home of the licensee".

Page 17, line 7, strike "of" and insert "for".

Page 17, between lines 20 and 21 begin a new paragraph and insert:

"(b) A license may also be revoked if an adult who resides in the residence of the licensee or an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a); or

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following

## factors:

- (1) The length of time that has passed since the disqualifying conviction.
- (2) The severity, nature, and circumstances of the offense.
- (3) Evidence of rehabilitation.
- (4) The duties and qualifications required for the proposed employment positions or volunteer assignment.
- (d) Notwithstanding subsection (b), if:
  - (1) A license could be revoked due to a criminal conviction of an employee or a volunteer of the licensee; and
  - (2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction;

the criminal conviction of the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section."

Page 17, delete lines 38 through 42, begin a new paragraph and insert:

"(d) The department on behalf of an applicant, or, at the discretion of the department, an applicant, shall (†) conduct a criminal history check of the following:

(A) (1) Each individual who is an applicant. and

(B) (2) The director or manager of a facility where children will be placed. and".

Page 18, strike lines 1 through 2.

Page 18, between lines 2 and 3, begin a new line block indented and insert:

"(3) An employee or a volunteer of the applicant who has or will have direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant."

Page 18, line 3, strike "An" and insert "If the applicant conducts a criminal history check under subsection (d), the".

Page 18, line 3, after "shall" insert ":".

Page 18, line 3, strike "do the following:".

Page 18, strike lines 4 through 9.

Page 18, line 10, strike "(2)" and insert "(1)".

Page 18, line 10, delete "Maintain" and insert "maintain".

Page 18, line 11, delete "the applicant" and insert "it".

Page 18, line 12, delete "." and insert "; and".

Page 18, line 13, delete "(3) Submit" and insert "(2) submit".

Page 18, line 14, delete "who is the subject" and insert "described in subsection (d)(1) through (d)(3)".

Page 18, line 15, delete "of a criminal history check." begin a new paragraph and insert:

"(f)".

Page 18, line 16, after "applicant" insert "under subsection (d)".

Page 18, delete lines 18 through 34, begin a new line block indented and insert:

"(1) determine whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information it receives concerning a person described in subsection (d)."

Page 18, line 35, delete "(f)" and insert "(g)".

Page 18, line 35, delete "(g)" and insert "(h)".

Page 18, line 36, delete "under this section" and insert "described in subsection (d)".

Page 18, line 38, delete "(g)" and insert "(h)".

Page 18, line 38, delete "this section" and insert "subsection (d)(2) or (d)(3)".

Page 18, line 40, after "employed" insert "or assigned as a volunteer".

Page 18, line 40, delete "this section" and insert "subsection (d)(3). However, a national fingerprint based criminal history background check defined in IC 31-9-2-22.5(1)(B) and required under subsection (e) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer to a position described in subsection (e)".

Page 18, line 40, delete "However, if" and insert "If".

Page 19, line 4, delete "(h)" and insert "(i) An applicant or licensee may provisionally employ an individual or assign a volunteer for whom a criminal history check is required under subsection (d)(3) during the period after the process of requesting national fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received by not later than the ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or employee of the applicant or licensee who has been the subject of a completed and approved criminal history check. In determining whether to provisionally hire or assign as a volunteer an individual under subsection (d)(3), the applicant or licensee shall consider the following:

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

**(5) Any other factor relating to the safety and security of the applicant or licensee's operations.**

**(j)".**

Page 19, line 11, delete "(i)" and insert "(k)".

Page 19, line 39, strike "an employee of the".

Page 19, strike lines 40 through 42.

Page 20, strike line 1.

Page 20, line 2, strike "the direct supervision of the applicant" and insert **"or the director or manager of a facility where children will be placed by the applicant"**.

Page 20, line 15, delete "licensee" and insert **"applicant"**.

Page 20, line 19, after "(b)" insert **"An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:**

**(1) A felony described in IC 31-27-4-13(a).**

**(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.**

**(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:**

**(1) The length of time that has passed since the disqualifying conviction.**

**(2) The severity, nature, and circumstances of the offense.**

**(3) Evidence of rehabilitation.**

**(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.**

**(d)".**

Page 20, line 20, strike "is" and insert **"could be"**.

Page 20, line 25, strike "require" and insert **"constitute a sufficient basis for the"**.

Page 20, between lines 25 and 26, begin a new paragraph and insert:

**"(e) The department may adopt rules to implement this section."**

Page 21, line 5, after "31." insert **"(a)"**.

Page 21, line 16, strike "an employee of the".

Page 21, strike lines 17 through 20.

Page 21, line 21, strike "the direct supervision of the licensee" and insert **"or the director or manager of a facility where children will be placed by the licensee"**.

Page 21, between lines 37 and 38, begin a new paragraph and insert:

**"(b) A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:**

**(1) A felony described in IC 31-27-4-13(a).**

**(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.**

**(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following**

**factors:**

**(1) The length of time that has passed since the disqualifying conviction.**

**(2) The severity, nature, and circumstances of the offense.**

**(3) Evidence of rehabilitation.**

**(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.**

**(d) Notwithstanding subsection (b), if:**

**(1) A license could be revoked due to a criminal conviction of an employee or a volunteer of the licensee; and**

**(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction;**

**the criminal conviction of the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.**

**(e) The department may adopt rules to implement this section."**

Page 22, line 2, strike "shall" and insert **"must"**.

Page 22, delete lines 13 through 17, begin a new paragraph and insert:

**"(d) The department on behalf of an applicant, or, at the discretion of the department, an applicant, shall (†) conduct a criminal history check of the following:**

**(A) (1) Each individual who is an applicant. and**

**(B) (2) The director or manager of a facility where children will be placed. and"**

Page 22, strike lines 18 through 19.

Page 22, between lines 19 and 20, begin a new line block indented and insert:

**"(3) An employee or a volunteer of the applicant who has or will have direct contact on a regular and continuing basis with a child who is or will be placed in a facility operated by the applicant."**

Page 22, delete lines 20 through 30, begin a new paragraph and insert:

**"(e) An If the applicant conducts a criminal history check under subsection (d), the applicant shall: do the following:**

**(†) Conduct a criminal history check of the applicant's:**

**(A) employees; and**

**(B) volunteers;**

**who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant.**

**(2) (1) maintain records of each the information it receives concerning each individual who is the subject of a criminal history check; and**

**(2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through (d)(3)."**

Page 22, strike lines 31 through 33.

Page 22, between lines 33 and 34, begin a new paragraph and insert:

**"(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:**

(1) determine whether the subject of a national fingerprint based criminal history check has a record of a conviction for:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of a child;

(2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction contained in the national criminal history record information;

(3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and

(4) maintain a record of every report and all information the department receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) A criminal history check required under subsection (d)(2) or (d)(3) must be completed on or before the date on which the subject of the check is employed or assigned as a volunteer in a position described in subsection (d)(3). However, if a person described in this subsection has been the subject of a criminal history check (as described in IC 31-9-2-22.5) that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required."

Page 22, line 34, strike "(g)" and insert "(i)".

Page 22, between lines 40 and 41, begin a new paragraph and insert:

"(j) A person who is the subject of a criminal history check conducted in accordance with this section may request the state police department to provide the person with a copy of any state or national criminal history record information report concerning the person."

Page 23, line 12, strike "an employee of the".

Page 23, strike lines 13 through 16.

Page 23, line 17, strike "the direct supervision of the licensee" and insert "or the director or manager of a facility where children will be placed by the licensee".

Page 23, line 30, delete "licensee".

Page 23, line 34, after "(b)" insert "An application for a license may also be denied if an employee or volunteer of the applicant who has direct contact on a regular and continuous basis with children who are under the direct supervision of the applicant has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the applicant is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d)".

Page 23, line 35, delete "is" and insert "could be".

Page 23, line 40, strike "require" and insert "constitute a sufficient basis for the".

Page 23, between lines 40 and 41, begin a new paragraph and insert:

"(e) The department may adopt rules to implement this section".

Page 24, line 17, after "28." insert "(a)".

Page 24, line 28, strike "an employee of the".

Page 24, strike lines 29 through 32.

Page 24, line 33, strike "the direct supervision of the licensee" and insert "or the director or manager of a facility where children will be placed by the licensee".

Page 25, between lines 7 and 8, begin a new paragraph and insert:

"(b) A license may also be revoked if an employee or volunteer of the licensee who has direct contact on a regular and continuous basis with children who are under the direct supervision of the licensee has been convicted of any of the following:

(1) A felony described in IC 31-27-4-13(a).

(2) Any other felony or a misdemeanor relating to the health and safety of a child, unless the licensee is granted a waiver by the department to employ or assign the person as a volunteer in a position described in this subsection.

(c) In determining whether to grant a waiver under subsection (b), the department shall consider the following factors:

(1) The length of time that has passed since the disqualifying conviction.

(2) The severity, nature, and circumstances of the offense.

(3) Evidence of rehabilitation.

(4) The duties and qualifications required for the proposed employment positions or volunteer assignment.

(d) Notwithstanding subsection (b), if:

(1) A license could be revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the department determines that the employee or volunteer has been dismissed by the licensee within a reasonable time after the licensee became aware of the conviction;

the criminal conviction of the former employee or former volunteer does not constitute a sufficient basis for the revocation of a license.

(e) The department may adopt rules to implement this section."

Page 25, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 33. IC 31-33-8-13, AS AMENDED BY P.L.234-2005, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Whenever:

- (1) an arrest relating to child abuse or neglect is made; the law enforcement agency that makes the arrest;
  - (2) criminal charges relating to child abuse or neglect are filed; the court in which the charges are filed;
  - (3) a child in need of services determination is made; the department; or
  - (4) a court approves a program of informal adjustment under IC 31-34-8 arising out of a child abuse or neglect report; the department; or
  - (5) a person who is accused of child abuse or neglect:
    - (A) enters into a services referral agreement; and
    - (B) fails to substantially comply with the terms of the services referral agreement;
- under IC 31-33-13; the department;

shall transmit to the registry, not more than five (5) working days after the circumstances described by subdivisions (1) through (5) occur; the relevant a court finds that a child is a child in need of services on the basis of a child abuse or neglect report classified as substantiated under section 12 of this chapter, the department shall enter into the index of copy of the court's judgment."

Page 27, line 19, delete "Registry" and insert **"Index"**.

Page 27, line 28, delete ""registry"" and insert **""index""**.

Page 27, line 29, delete "registry" and insert **"index"**.

Page 27, line 31, delete "registry" and insert **"index"**.

Page 27, line 36, delete "registry, the registry" and insert **"index, the index"**.

Page 28, line 8, delete "registry" and insert **"index"**.

Page 28, line 19, delete "registry's" and insert **"index's"**.

Page 28, line 24, delete "registry" and insert **"index"**.

Page 28, line 27, delete "registry, the registry" and insert **"index, the index"**.

Page 28, line 35, delete "registry" and insert **"index"**.

Page 28, line 42, delete "registry" and insert **"index"**.

Page 29, line 1, delete "registry" and insert **"index"**.

Page 29, line 3, delete "registry" and insert **"index"**.

Page 29, line 25, delete "registry." and insert **"index."**.

Page 29, line 34, delete "registry" and insert **"index"**.

Page 29, line 36, delete "registry's" and insert **"index's"**.

Page 29, line 37, delete "registry" and insert **"index"**.

Page 29, line 38, delete "registry" and insert **"index"**.

Page 30, line 21, delete "registry," and insert **"index,"**.

Page 30, line 28, delete "registry." and insert **"index."**.

Page 30, line 39, delete "the perpetrator receives".

Page 30, line 39, after "notice" insert **"is served on the perpetrator as provided in IC 4-21.5-3-1(b). Time shall be computed as provided in IC 4-21.5-3-2."**

Page 31, line 19, after "under" insert **"section 15 of"**.

Page 31, line 20, delete "The" and insert **"The department shall maintain the"**.

Page 31, line 20, delete "must, to".

Page 31, line 21, delete "the extent possible, be maintained".

Page 31, line 26, delete "registry and insert **"index"**.

Page 32, line 6, delete "whose report has been reviewed by a court".

Page 32, line 7, after "chapter" insert **"if a court has determined that:"**

- (1) the alleged child abuse or neglect did not occur; or**
- (2) the person was not a perpetrator of the alleged child abuse or neglect."**

Page 32, line 24, delete "registry" and insert **"index"**.

Page 32, line 33, delete "registry" and insert **"index"**.

Page 32, line 36, delete "registry" and insert **"index"**.

Page 33, between lines 7 and 8, begin a new paragraph and insert:

**"(b) The department shall amend a substantiated report contained in the index by deleting the name of an alleged perpetrator if:**

- (1) a court having jurisdiction over a child in need of services proceeding; or**

**(2) an administrative hearing officer under this chapter; finds that the person was not a perpetrator of the child abuse or neglect that occurred."**

Page 33, line 8, delete "(b)" and insert **"(c)"**.

Page 33, line 12, delete "(c)" and insert **"(d)"**.

Page 33, line 13, delete "registry" and insert **"index"**.

Page 33, line 14, delete "(d)" and insert **"(e)"**.

Page 33, line 15, delete "registry" and insert **"index"**.

Page 33, line 16, delete "registry," and insert **"index."**.

Page 33, line 18, delete "registry" and insert **"index"**.

Page 33, delete lines 23 through 42.

Page 34, delete lines 1 through 4.

Page 34, line 5, delete "(4)" and insert **"(2)"**.

Page 34, line 20, delete "(5)" and insert **"(3)"**.

Page 34, line 21, delete "registry" and insert **"index"**.

Page 34, line 25, delete "(6)" and insert **"(4)"**.

Page 34, line 27, delete "registry." and insert **"index."**.

Page 34, line 28, delete "(7)" and insert **"(5)"**.

Page 34, line 34, delete "(8)" and insert **"(6)"**.

Page 34, line 40, delete "(9)" and insert **"(7)"**.

Page 35, line 6, delete "(10)" and insert **"(8)"**.

Page 35, line 8, delete "registry" and insert **"index"**.

Page 35, line 13, delete "(11)" and insert **"(9)"**.

Page 35, line 14, delete "registry" and insert **"index"**.

Page 35, line 17, delete "registry;" and insert **"index;"**.

Page 35, delete lines 21 through 34 and insert:

**"(12) To determine the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3), the division of family resources may use information contained in the index concerning whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming an individual described in IC 12-17.2-3.5-4.1(a) as a perpetrator."**

Page 36, line 3, delete "registry" and insert **"index"**.

Page 36, line 33, strike "legal" and insert **"any day on which a legal holiday is observed for state employees as provided in IC 1-1-9."**

Page 36, line 34, strike "holidays."

Page 36, delete lines 41 through 42.

Page 37, delete lines 1 through 13.

Page 47, line 19, after "IC 31-37-24" insert **"; IC 31-34-8-4"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 328 as introduced.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 411, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, after "data," insert "**oral communication**,".

Page 9, line 1, strike "fourteen (14)" and insert "**thirty (30)**".

Page 9, line 4, strike "three (3)" and insert "**ten (10)**".

Page 9, line 10, strike "fourteen (14)" and insert "**thirty (30)**".

(Reference is to SB 411 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 463, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant~~

agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

- (1) the amount of delinquent taxes; and
- (2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle

purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and
- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

- (A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been

required to register if there had been no name change; and (B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

**(h) This section expires December 31, 2007.**

SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.2. (a) This section applies after December 31, 2007.

(b) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration, and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully

used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(h) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

- (1) the owner registers the vehicle for use in another state; and
- (2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus
- (2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

**This subsection expires December 31, 2007.**

(c) This section applies after December 31, 2007. The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus
- (2) eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

(d) To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

- (1) a request for a refund on a form furnished by the bureau; and
- (2) proof that a tax described in subsection (a)(2) was paid."

Page 6, line 33, after "applicant" insert ":".

Page 6, line 33, delete "is a:".

Page 6, delete lines 34 through 37, begin a new line block indented and insert:

- "(1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent or temporary residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(6) has a pending application for asylum in the United States;

(7) has a pending or approved application for temporary protected status in the United States;

(8) has approved deferred action status; or

(9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States."

Page 7, delete lines 25 through 37, begin a new paragraph and insert:

"(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires."

Page 9, delete lines 30 through 31.

Page 9, line 32, delete "(2)" and insert "(1)".

Page 9, line 34, delete "(3)" and insert "(2)".

Page 9, line 35, delete "(4)" and insert "(3)".

Page 9, line 37, delete "(5)" and insert "(4)".

Page 9, line 38, delete "(6)" and insert "(5)".

Page 11, delete lines 17 through 18, begin a new paragraph and insert:

"(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1),"

Page 11, delete lines 21 through 22, begin a new paragraph and insert:

"(c) When the applicant complies with IC 9-24-16-3.5 (1)(E) though IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection"

Page 12, delete lines 11 through 24, begin a new paragraph and insert:

"(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 15, delete lines 2 through 3.

Page 15, line 4, delete "(2)" and insert "(1)".

Page 15, line 6, delete "(3)" and insert "(2)".

Page 15, line 7, delete "(4)" and insert "(3)".

Page 15, line 9, delete "(5)" and insert "(4)".

Page 15, line 10, delete "(6)" and insert "(5)".

Page 15, line 25, after "applicant" insert ":".

Page 15, line 25, delete "is a:".

Page 15, delete lines 26 through 29, begin a new line double block indented and insert:

**"(A) is a citizen or national of the United States;**

**(B) is an alien lawfully admitted for permanent or temporary residence in the United States;**

**(C) has conditional permanent resident status in the United States;**

**(D) has an approved application for asylum in the United States or has entered into the United States in refugee status;**

**(E) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;**

**(F) has a pending application for asylum in the United States;**

**(G) has a pending or approved application for temporary protected status in the United States;**

**(H) has approved deferred action status; or**

**(I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and".**

Page 16, delete lines 1 through 13, begin a new paragraph and insert:

**"(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:**

**(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or**

**(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:**

**(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."**

Page 16, line 21, delete "3.5(1)(C)" and insert "3.5(1)(E) through 3.5(1)(I)".

Page 16, delete lines 37 through 42, begin a new paragraph and insert:

**"(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:**

**(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or**

**(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:**

**(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."**

Page 17, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 463 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 472, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 10-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "eligible entity" means a county, city, or town, or an individual who has incurred loss because of a disaster.**

**SECTION 2. IC 10-14-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The state disaster relief fund is established to provide money to assist eligible entities in paying for the costs of damage to public facilities or individual property resulting from disasters.**

**(b) The fund consists of money appropriated by the general assembly. The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**(c) Money in the fund is appropriated to carry out the purposes of the fund as provided in this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**SECTION 3. IC 10-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to make grants to an eligible entity that:**

**(1) contains territory for which a disaster emergency has been declared by the governor;**

**(2) has suffered damage to the entity's public facilities or individual property because of the disaster for which the disaster emergency was declared;**

**(3) has applied to the department for a grant; and**

**(4) complies with all other requirements established by the agency.**

**SECTION 4. IC 10-14-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. This section does not apply to an eligible entity that is an individual. Except as provided in section 8 of this chapter, the agency may not make a grant to an eligible entity under this section unless the damage to the entity's public facilities caused by the disaster exceeds an amount equal to one dollar (\$1) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed an amount equal to:**

**(1) fifty percent (50%); multiplied by**

**(2) the result of:**

**(A) the total cost of the damage to the entity's public facilities caused by the disaster; minus**

(B) an amount equal to one dollar (\$1) multiplied by the population of the entity.

SECTION 5. IC 10-14-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **This section does not apply to an eligible entity that is an individual.** If the governor declares more than one (1) disaster emergency in the same year for territory in an eligible entity, the agency may, in addition to a grant under section 7 of this chapter, make a grant to the entity under this section if the total cumulative cost of the damage to the entity's public facilities caused by the disasters exceeds two dollars (\$2) multiplied by the population of the entity. A grant to an eligible entity under this section may not exceed:

- (1) the product of:
  - (A) fifty percent (50%); multiplied by
  - (B) the total cumulative cost of the damage to the entity's public facilities caused by all disasters in the year; minus
- (2) any grants previously made under section 7 of this chapter to the entity during the year.

SECTION 6. IC 10-14-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. **This section does not apply to an eligible entity that is an individual.** To qualify for a grant under this chapter, the executive of an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

- (1) A description and estimated cost of the damage caused by the disaster to the entity's public facilities.
- (2) The manner in which the entity intends to use the grant money.
- (3) Any other information required by the agency.

SECTION 7. IC 10-14-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. **This section does not apply to an eligible entity that is an individual.** The fiscal officer of an entity receiving a grant under this chapter shall:

- (1) establish a separate account within the entity's general fund; and
- (2) deposit any grant proceeds received under this chapter in the account.

The department of local government finance may not reduce an entity's maximum or actual property tax levy under IC 6-1.1-18.5 on account of grant money deposited in the account.

SECTION 8. IC 10-14-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) **This section applies only to an eligible entity that is an individual.**

(b) **To qualify for a grant under this chapter, an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:**

- (1) **A description and estimated cost of the damage caused by the disaster to the individual's property.**
- (2) **The manner in which the individual intends to use the grant money.**
- (3) **Any other information required by the agency."**

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 10. IC 10-15-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) **The regional public**

**safety training fund is established for the purpose of providing regional and advanced training for public safety service providers. The fund shall be administered by the department.**

(b) **The expenses of administering the fund shall be paid from money in the fund.**

(c) **The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

(d) **Money in the fund at the end of a state fiscal year does not revert to the state general fund. Any amount remaining in the fund at the end of a state fiscal year that was not appropriated to the fund shall be transferred to the fire training infrastructure fund established under IC 22-14-5-1."**

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 12. IC 22-11-14-12, AS ADDED BY P.L.187-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund. **The department of state revenue shall annually transfer the monies received from the public safety fees as follows:**

(1) **Two million dollars (\$2,000,000) shall be deposited in the regional public safety training fund established under IC 10-15-3-12.**

(2) **Any additional monies received shall be deposited in the state disaster relief fund established under IC 10-14-4-5.**

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection **and distribution** of the public safety fee monies from retailers as described in subsections (b) and (c)."

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 14. IC 22-14-5-1, AS AMENDED BY P.L.1-2006, SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) **The firefighting and emergency equipment revolving loan fire training infrastructure fund is established. The division shall administer the revolving fund. The revolving fund must be used for the purposes of:**

- (1) **providing loans for the purchase of new or used firefighting and other emergency equipment or apparatus under this chapter; providing grants to construct training facilities and purchase training equipment; and**
- (2) **paying the costs of administering this chapter.**

(b) **The revolving fund consists of:**

- (1) **amounts appropriated by the general assembly;**
- (2) **the repayment proceeds (including interest) of loans made from the revolving fund;**

~~(3)~~ (2) donations, grants, and money received from any other source; and

~~(4)~~ (3) amounts that the department transfers to the revolving fund from the fire and building services fund.

(c) The treasurer of state shall invest the money in the revolving fund not currently needed to meet the obligations of the revolving fund in the same manner as other public funds may be invested.

(d) Money in the revolving fund at the end of the fiscal year does not revert to the state general fund.

(e) The revolving fund is subject to an annual audit by the state board of accounts. The revolving fund shall pay all costs of the audit."

Renumber all SECTIONS consecutively.

(Reference is to SB 472 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning military affairs.

Page 9, delete lines 32 through 42.

Page 10, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to SB 480 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 490, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 12, line 29, after "Sec. 3." insert "(a)".

Page 12, line 30, before "and" strike "chairman" and insert "chairperson".

Page 12, line 30, after "vice" strike "chairman," and insert "chairperson,".

Page 12, line 31, strike "The first meeting of the board shall be held within thirty".

Page 12, strike line 32.

Page 12, line 33, strike "of the chairman of the board. Thereafter,".

Page 12, line 33, after "Thereafter," delete "the".

Page 12, line 33, after "Thereafter, the" begin a new paragraph and insert:

"(b) The".

Page 12, line 34, strike "such special" and insert "additional".

Page 12, line 36, strike "The time for holding the regular meetings, the method of".

Page 12, strike line 37.

Page 12, line 38, strike "meetings shall be prescribed in the bylaws of the board." and insert "The chairperson shall establish the date, time, and location of each meeting.

(c)".

Page 12, line 42, strike "The board shall adopt official seals representing the different".

Page 13, strike lines 1 through 7.

Page 13, line 8, strike "registered landscape architects,".

Page 13, line 8, delete "and registered interior designers".

Page 13, line 9, strike "investigative fund established by section 32 of this chapter.".

Page 13, line 9, delete "The board".

Page 13, delete line 10.

Page 13, line 11, delete "by IC 25-4.5."

Page 13, line 11, strike "Suitable office quarters shall be provided for the use of".

Page 13, strike line 12.

Page 13, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 12. IC 25-4-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. The board shall do all of the following:**

(1) Administer and enforce this article and IC 25-4.5.

(2) Adopt rules under IC 4-22-2 that:

(A) are reasonably necessary or appropriate for the administration and enforcement of this article and IC 25-4.5;

(B) establish standards for the competent practice of architecture, landscape architecture, and interior design;

(C) establish continuing education requirements for registered architects, registered landscape architects, and registered interior designers in accordance with IC 25-1-4; and

(D) establish fees in accordance with IC 25-1-8.

(3) Prescribe the requirements for and form of certificates, applications, and other documents that are required by this article and IC 25-4.5.

(4) Issue, deny, suspend, and revoke certificates in accordance with this article and IC 25-4.5.

(5) In accordance with IC 25-1-7, investigate complaints concerning:

(A) registered architects, registered landscape architects, and registered interior designers; or

(B) failure to comply with:

(i) this article or IC 25-4.5; or

(ii) rules adopted under this article or IC 25-4.5; and when appropriate, take action under IC 25-1-11.

(6) Bring actions in the name of the state in an appropriate circuit court in order to enforce compliance with:

(A) this article or IC 25-4.5; or

(B) rules adopted under this article or IC 25-4.5.

(7) **Inspect the records of a registrant in accordance with rules adopted by the board.**

(8) **Conduct or designate a board member or other representative to:**

(A) **conduct public hearings on any matter for which a hearing is required under this article or IC 25-4.5; and**

(B) **exercise all powers granted under IC 4-21.5.**

(9) **Adopt a seal containing the words "State Board of Registration for Architects, Landscape Architects, and Interior Designers", and through the professional licensing agency's director, certify copies and authenticate all acts of the board.**

(10) **In accordance with IC 25-1-6, use counsel, consultants, and other persons, enter into contracts, and authorize expenditures that are reasonably necessary or appropriate to administer and enforce:**

(A) **this article or IC 25-4.5; or**

(B) **rules adopted under this article or IC 25-4.5.**

(11) **Maintain the board's office, files, records, and property in the city of Indianapolis.**

(12) **Administer the registered architects, registered landscape architects, and registered interior designers investigative fund established by section 32 of this chapter.**

(13) **Exercise all other powers and perform all other duties specifically conferred on the board by this article or IC 25-4.5."**

Page 14, line 37, after "registered architects," reset in italics "and".

Page 14, line 37, after "landscape architects," delete "and".

Page 14, line 38, delete "registered interior designers".

Page 16, line 10, delete "This subsection does".

Page 16, delete lines 11 through 14.

Page 16, line 26, delete ":".

Page 16, line 27, delete "(1)".

Page 16, line 28, delete "chapter; and" and insert "chapter".

Page 16, run in lines 26 through 28.

Page 16, delete line 29.

Page 19, between lines 17 and 18, begin a new paragraph and insert:

**"Sec. 2. "Agency" refers to the professional licensing agency established by IC 25-1-5-3."**

Page 19, line 18, delete "Sec. 2." and insert "Sec. 3."

Page 19, line 20, delete "Sec. 3." and insert "Sec. 4."

Page 19, line 21, delete "Sec. 4." and insert "Sec. 5."

Page 19, line 24, delete "Sec. 5." and insert "Sec. 6."

Page 19, line 34, delete "fire codes, permits,".

Page 19, line 40, delete "Sec. 6." and insert "Sec. 7."

Page 19, line 42, delete "Sec. 7." and insert "Sec. 8."

Page 20, line 2, delete "Sec. 8." and insert "Sec. 9."

Page 20, line 13, delete "Sec. 9." and insert "Sec. 10."

Page 20, line 19, delete "Sec. 10." and insert "Sec. 11."

Page 20, line 22, delete "Sec. 11." and insert "Sec. 12."

Page 20, line 24, delete "Sec. 12." and insert "Sec. 13."

Page 20, line 32, delete "annual" and insert "initial".

Page 21, line 34, after "shall be" insert **"transferred to the treasurer of state and"**.

Page 21, line 35, delete "registered architects, registered landscape" and insert **"state general fund."**

Page 21, delete lines 36 through 37.

Page 21, between lines 37 and 38, begin a new paragraph and insert:

**"(c) The agency shall pay the expenses for administering this article from the state general fund under appropriations designated for that purpose."**

Page 22, delete lines 27 through 42.

Page 23, delete line 1 through 9.

Page 23, line 10, delete "10." and insert "9".

Page 23, delete lines 20 through 24.

Page 23, line 25, delete "11." and insert "10".

Page 23, line 39, delete "furnish evidence showing successful completion of" and insert **"comply with"**.

Page 23, line 41, delete "chapter;" and insert **"chapter and IC 25-1-4-3(a);"**.

Page 24, line 15, after "(1)" insert **"biennially, on or before the date established by the agency under IC 25-1-6-4,"**.

Page 24, line 15, after "renew the" insert **"registered interior designer's"**.

Page 24, line 15, delete "registration not more than ninety" and insert **"registration;"**.

Page 24, line 16, delete "(90) days before the expiration of the certificate;".

Page 24, run in lines 15 through 16.

Page 24, between lines 17 and 18, begin a new line blocked left and insert:

**"A registered interior designer whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under IC 25-1-8-6."**

Page 24, line 26, delete "a renewal" and insert **"the"**.

Page 24, line 26, delete "equal to the sum of the renewal fees" and insert **"required under IC 25-1-8-6."**

Page 24, delete lines 27 through 29.

Page 25, line 31, delete ":".

Page 25, line 32, delete "(A)".

Page 25, line 32, delete "; or".

Page 25, delete line 33.

Page 25, run in lines 31 through 34.

Page 26, line 1, delete "The board may suspend or revoke a certificate of" and insert **"A person who holds a certificate of registration to practice interior design in Indiana is subject to proceedings for disciplinary action under IC 25-1-7 and IC 4-21.5."**

Page 26, delete lines 2 through 3.

Page 26, line 11, delete "board shall immediately revoke the interior designer's" and insert **"interior designer is subject to disciplinary sanctions under IC 25-1-11-12."**

Page 26, delete line 12.

Page 26, delete lines 16 through 23.

Renumber all SECTIONS consecutively.

(Reference is to SB 490 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 503, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, line 22, strike "subsection" and insert **"section"**.

Page 13, line 8, delete "IC 12-15-20-2(7)" and insert **"IC 12-15-20-2(8)"**.

Page 13, line 13, delete "do" and insert **"does"**.

Page 13, line 18, delete "paid claims and Medicaid" and insert **"fee for service and"**.

Page 13, line 19, after "care" insert **"paid"**.

Page 13, line 29, after "for" insert **"Medicaid"**.

Page 13, line 30, delete "under IC 12-15-19-2.1".

Page 13, line 41, delete "extent that" and insert **"availability of"**.

Page 13, line 42, delete "are available".

Page 14, line 1, delete "is" and insert **"being"**.

Page 14, line 3, delete "limit provided" and insert **"limit, as defined"**.

Page 14, line 4, delete "1396r-4" and insert **"1396r-4,"**.

Page 14, line 4, delete "payments are" and insert **"payment is"**.

Page 14, line 29, delete "dollars." and insert **"matching funds."**.

Page 14, line 33, delete "reimbursement and" and insert **"reimbursement, including"**.

Page 15, line 11, after "hospital's" insert **"in-state"**.

Page 15, line 12, delete "paid claims and Medicaid" and insert **"fee for service and"**.

Page 15, line 12, after "care" insert **"paid"**.

Page 15, line 13, delete "current".

Page 15, line 13, delete "year," and insert **"year referenced in STEP ONE,"**.

Page 27, line 11, delete "(before its repeal)".

Page 29, line 31, delete "IC 12-15-20-2(8)(G)." and insert **"IC 12-15-20-2(8)(G)(1)."**

Page 32, between lines 41 and 42, begin a new paragraph and insert:

**"(e) An employer may not contribute more than fifty percent (50%) of the individual's required share to the health care account."**

Page 35, line 22, after "state" insert **"for deposit in the healthier Indiana insurance fund"**.

Page 36, line 4, after "revenues" insert **"and tobacco products tax revenues"**.

Page 36, delete lines 10 through 14.

Page 36, line 15, delete "(f)" and insert **"(e)"**.

Page 36, line 18, delete "(g)" and insert **"(f)"**.

Page 36, line 20, delete "(h)" and insert **"(g)"**.

Page 36, delete lines 22 through 30, begin a new paragraph and insert:

**"Sec. 15. (a) The office may not:**

**(1) enroll applicants;**

**(2) approve any contracts with vendors to provide services or administer the program;**

**(3) incur costs other than those necessary to study and plan for the implementation of the program; or**

**(4) create financial obligations for the state;**

**unless both of the conditions of subsection (b) are satisfied.**

**(b) The office may not take any action described in subsection (a) unless:**

**(1) there is a specific appropriation from the general assembly to implement the program; and**

**(2) after review by the budget committee, the budget agency approves an actuarial analysis that demonstrates sufficient funding is reasonably estimated to be available to operate the program for at least the following eight (8) years.**

**The actuarial analysis under subdivision (2) must clearly indicate the cost and revenue assumptions used in reaching the determination."**

Page 36, line 31, delete "(b)" and insert **"(c)"**.

Page 36, line 34, delete "(c)" and insert **"(d)"**.

Page 38, line 37, delete "year multiplied by" and insert **"year."**

Page 38, delete lines 38 through 41.

Page 47, delete lines 2 through 5.

Page 47, line 6, delete "(2)" and insert **"(1)"**.

Page 47, line 7, delete "(3)" and insert **"(2)"**.

Page 47, line 12, delete "(b)(1), (b)(2), or (b)(3)" and insert **"(b)(1) or (b)(2)"**.

(Reference is to SB 503 as printed February 9, 2007.)  
and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

MEEKS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 506, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, between lines 6 and 7, begin a new line block indented and insert:

**"(11) An independent consultant employed by the attorney general under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general."**

Page 22, line 42, after "corporation" insert **"."**

(Reference is to SB 506 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 2.

WYSS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 526, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 317, delete lines 5 through 7.

Page 317, line 13, after "IC 21-22-2-2." insert **"In the corporate name and capacity, the state board of trustees may sue, be sued, plead, and be impleaded, in any court of record, and by that name has perpetual succession."**

Page 319, line 1, delete "developing" and insert "**develop**".  
 Page 319, line 9, delete "assisting and supervising" and insert "**assist and supervise**".  
 Page 319, line 10, delete "coordinating" and insert "**coordinate**".  
 Page 319, line 13, delete "preparing" and insert "**prepare**".  
 Page 320, line 42, delete "section 3 or 4 of this" and insert "**IC 21-27-6-3, IC 21-27-6-4,**".  
 Page 321, line 1, delete "chapter,".  
 Page 321, line 1, delete "IC 211-41-5-8" and insert "**IC 21-41-5-8**".  
 Page 333, delete lines 33 through 37.  
 Page 580, line 37, delete "IC 4-24-2-2; IC 4-24-2-3; IC 4-24-2-1;".  
 Page 580, line 38, delete "IC 4-24-2-4; IC 4-24-2-5;".  
 Page 580, line 41, delete "IC 23-13-8" and insert "IC 23-13-18;".  
 (Reference is to SB 526 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, after "grant" insert "**or loan**".  
 (Reference is to SB 536 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 550, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "coroner, pathologist," and insert "**coroner**".  
 Page 20, line 29, after "hospital." insert "**A hospital may, in accordance with a donor's declaration or advance health care directive, withdraw life support from the prospective donor if the procurement agency has not made a determination of donor potential within six (6) hours from the time the procurement agency is contacted by the hospital.**".

Page 20, line 33, delete "If the medicolegal investigation requires consultation".

Page 20, delete lines 34 through 37.

Page 24, line 1, delete "coroner, in consultation with a pathologist," and insert "**coroner**".

Page 24, line 8, delete "coroner," and insert "**coroner**".

Page 24, line 9, delete "or a pathologist who is being consulted by a coroner".

Page 24, line 10, delete "(b)," and insert "**(b)**".

Page 24, line 11, delete "or the pathologist".

Page 24, line 33, delete "Following the consultation under subsection (c), in the".

Page 24, delete lines 34 through 39.

Page 24, line 40, delete "organization to recover the part".

Page 24, line 42, delete "coroner, pathologist," and insert "**coroner**".

Page 25, line 3, after "organization." insert "**The coroner or designee must be present at the scene before making a denial.**".

Page 25, line 4, delete "coroner, pathologist," and insert "**coroner**".

Page 25, line 5, delete "coroner, pathologist," and insert "**coroner**".

Page 25, line 15, delete "pathologist" and insert "designee".

Page 25, delete lines 19 through 23.

(Reference is to SB 550 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 555, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 36, delete "action" and insert "**auction**".

Page 4, line 38, after "certified mail" insert "**, return receipt requested,**".

Page 5, line 4, delete "." and insert "**to the owners from whom the certified mail return receipt was not signed and returned. Additionally, the county auditor may determine that mailing a first class notice to or serving a notice on the property is a reasonable step to notify the owner, if the address of the owner is not the same address as the physical location of the property.**".

Page 8, line 34, delete "fund without prior appropriation." and insert "**fund.**".

Page 11, line 2, delete "later" and insert "**earlier**".

Page 11, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-25-4.6, AS AMENDED BY P.L.169-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court

to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if:

- (1) the verified petition referred to in subsection (a) is timely filed; and**
- (2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the requirements notice requirement of this section; subsection (a);**

the court shall order the return of the ~~purchase price amount, if any, by which the purchase price exceeds the minimum bid on the property under IC 6-1.1-24-5(e) minus a penalty of twenty-five percent (25%) of the amount of the purchase price; that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit~~ penalties paid under this subsection ~~shall be deposited~~ in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

**(1) the verified petition referred to in subsection (a) is timely filed;**

~~(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements; and~~

~~(2) (3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and~~

**(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;**

the county auditor shall not execute the deed but shall refund the purchase money ~~plus six percent (6%) interest per annum minus a penalty of twenty-five percent (25%) of the purchase money~~ from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. **The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.** The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under ~~IC 6-1.1-24-6~~ **IC 6-1.1-24.**

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price **or any part of the purchase price if:**

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order."

Delete pages 12 and 13.

Page 14, delete lines 1 through 3.

Page 14, line 4, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 14, line 38, delete "HEA 1102-2005," and insert "**HEA 1102-2006**".

Page 15, line 4, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 16, line 14, delete "HEA 1102-2005," and insert "**HEA 1102-2006**".

Page 16, after line 21, begin a new paragraph and insert:  
"SECTION 12. [EFFECTIVE JULY 1, 2007] **IC 6-1.1-25-4.6, as amended by this act, applies only to:**

(1) tax sales held after June 30, 2007; and

(2) failures of tax sale petitioners to fulfill tax sale requirements under that section after June 30, 2007.

SECTION 13. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to SB 555 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 556, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 8.

Page 2, delete lines 16 through 42.

Delete pages 3 through 17.

Page 18, delete lines 1 through 11.

Page 18, line 17, delete "or full-time magistrate".

Page 19, line 8, delete "judge or full-time magistrate," and insert "**judge**".

Page 21, line 42, delete "judge or" and insert "**judge**".

Page 22, line 1, delete "full-time magistrate".

Page 22, line 16, delete "either".

Page 22, line 16, delete "judge or full-time" and insert "**judge**".

Page 22, delete line 17.

Page 22, line 22, delete "judge or full-time" and insert "**judge**".

Page 22, delete line 23.

Page 24, line 7, delete "either".

Page 24, line 8, delete "or a full-time magistrate".

Page 24, line 24, delete "judge or full-time magistrate;" and insert "**judge**".

Page 24, line 25, delete "or full-time magistrate".

Page 25, line 17, delete "or full-time magistrate".

Page 26, delete lines 19 through 40.

Re-number all SECTIONS consecutively.

(Reference is to SB 556 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 1.

KRUSE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 568, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "fund(or)" and insert "**fund (or)**".

Page 2, between lines 12 and 13, begin a new paragraph and insert:

**"At least 5 years, but less than 10 years \$25**

**(only in the case of a member receiving disability retirement benefits)".**

(Reference is to SB 568 as printed February 13, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

#### REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 285, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report adopted.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1457, 1565, 1665, 1568, 1483, 1378, 1410, 1426, 1220, and 1266 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 4 and 30 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### RESOLUTIONS ON FIRST READING

##### House Concurrent Resolution 15

House Concurrent Resolution 15, sponsored by Senator Howard:

A CONCURRENT RESOLUTION honoring Reverend Sieon C. Roberts, Sr.

*Whereas, Reverend Sieon C. Roberts, Sr. continues a journey that began when he was 18 years old, preaching with a passion and fervor that are rarely seen in someone so young;*

*Whereas, Reverend Roberts endured a difficult childhood, personal experiences with child abuse, chronic depression, and a painful marriage and divorce;*

*Whereas, Reverend Roberts found his strength and inspiration in the Lord and is a shining example of what a strong belief in God and His goodness can do;*

*Whereas, Reverend Roberts, who was ordained on October 17, 2004, is currently the pastor of New Hope Missionary Baptist Church in Gary, Indiana;*

*Whereas, Reverend Roberts is a member of the Baptist Ministers' Conference of Gary and Vicinity, the Trinity Ministries, and Church Alive; and*

*Whereas, Although the youngest pastor in the Baptist Ministers' Conference, Reverend Roberts is a strong leader whose spiritual growth and knowledge give all of us a glimpse at the level of greatness he may attain with the help of God and a strong dedication to his calling: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the good works performed by Reverend Sion C. Roberts, Sr. and the care and compassion he extends to the members of his congregation and anyone who comes in contact with this holy man.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Reverend Sion C. Roberts, Sr. and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### **Senate Resolution 12**

Senate Resolution 12, introduced by Senator Paul:

A SENATE RESOLUTION to honor Marjorie A. Sharp for her years of service to the people of Indiana.

*Whereas, Marjorie A. Sharp was born in Saratoga, Indiana and graduated from Winchester High School and Ball State College. Thereafter, she taught music at Jefferson, Saratoga, Nettle Creek and Sylvania Schools;*

*Whereas, After several years of dedicated service to her students, Mrs. Sharp returned to the classroom to earn her Masters Degree in Education from Ball State University. Upon graduation, she worked in various capacities for her local Republican Party;*

*Whereas, Mrs. Sharp was elected to the Wayne County Council and served for 16 years. For 5 of those years, she served as President of the County Council. She was the first and, to date, the*

*only woman to have served in this role; and*

*Whereas, During Mrs. Sharp's tenure on the Wayne County Council, she received the Citizen of the Year Award from the Wayne County Chamber of Commerce, the Region 9 Small Business Advocate Award, the Association of Indiana Counties Outstanding County Councilman Award, the Governor's Distinguished Hoosier Award, and the Indiana Republican Party State Chairman Award: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. The Indiana State Senate honors Marjorie A. Sharp for her years of service to the people of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Marjorie and Karl Sharp, and their three children Terry Sharp, Gail Sharp and Karen Pipes.

The resolution was read in full and adopted by voice vote.

### **SENATE BILLS ON SECOND READING**

#### **Senate Bill 155**

Senator Gard called up Senate Bill 155 for second reading. The bill was read a second time by title.

#### **SENATE MOTION (Amendment 155-2)**

Madam President: I move that Senate Bill 155 be amended to read as follows:

Page 1, line 15, strike "and".

Page 1, line 17 delete "." and insert "; **and**".

Page 1, after line 17, begin a new line block indented and insert:  
**"(4) after July 1, 2007, all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the board."**

Page 2, line 3, after "alcohol" insert **"is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and"**.

Page 2, line 7, after "equipment" insert **", including dispensing equipment,"**.

Page 2, between lines 18 and 19, begin a new paragraph and insert:

**"SECTION 2. IC 13-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:** Sec. 3. For the purposes of section 2 of this chapter, the following amounts shall be used:

(1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars (\$35,000).

(2) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is not a double walled underground petroleum storage tank with piping that has secondary containment; the amount is ~~thirty twenty-five~~ thousand dollars (~~\$30,000~~); (**\$25,000**).

(3) If the underground petroleum storage tank that was involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is a double walled underground petroleum storage tank with piping that has secondary containment; the amount is ~~twenty-five~~ **twenty** thousand dollars (~~\$25,000~~); (**\$20,000**).".

Renumber all SECTIONS consecutively.

(Reference is to SB 155 as printed February 7, 2007.)

GARD

Motion prevailed. The bill was ordered engrossed.

*Pursuant to prior authorization from Senator Zakas, Senator Broden called up Senate Bill 235 for Second Reading.*

#### Senate Bill 235

Senator Broden called up Senate Bill 235 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 276

Senator Kruse called up Senate Bill 276 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 279

Senator Boots called up Senate Bill 279 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 379

Senator M. Young called up Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 397

Senator Landske called up Senate Bill 397 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 452

Senator Wyss called up Senate Bill 452 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 452-1)

Madam President: I move that Senate Bill 452 be amended to read as follows:

Page 1, line 3, delete "(a) A person that leases or".

Page 1, delete lines 4 through 10.

Page 1, line 11, delete "(b)".

Page 1, line 12, delete "described in subsection (a)," and insert **"to an enhanced wireless 911:**

**(1) system; or**

**(2) equipment;**

**that is leased or otherwise provided by a person to a PSAP,".**

Page 1, run in lines 3 through 11.

Page 1, line 15, delete "(a) As used in this"

Page 1, delete lines 16 through 17.

Page 2, line 1, delete "(b)" and insert "**(a)**".

Run in page 1, line 15, through page 2, line 1.

Page 2, delete lines 3 through 8.

Page 2, line 9, delete "(e)" and insert "**(b)**".

Page 2, line 13, delete "(f)" and insert "**(c)**".

Page 2, line 15, delete "(e)" and insert "**(b)**".

(Reference is to SB 452 as printed February 13, 2007.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 551

Senator Dillon called up Senate Bill 551 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 559

Senator Paul called up Senate Bill 559 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 559-1)

Madam President: I move that Senate Bill 559 be amended to read as follows:

Page 10, line 12, after "benefits" insert ",".

Page 12, line 11, after "value" insert "**to the debtor**".

Page 12, line 11, after "benefits" insert ",".

Page 13, line 37, delete "in compliance with" and insert "**under the authority of**".

Page 15, line 1, delete "The" and insert "**Subject to subsection (11), the**".

Page 15, between lines 8 and 9, begin a new paragraph and insert:

**"(11) The director's authority to designate an automated central licensing system and repository under subsection (10) is subject to the following:**

**(a) The director or the director's designee may not require any person exempt from licensure under this article, or**

any employee or agent of an exempt person, to:

- (i) submit information to; or
- (ii) participate in;

the automated central licensing system and repository.

(b) Information stored in the automated central licensing system and repository is subject to the confidentiality provisions of IC 28-1-2-30 and IC 5-14-3. A person may not:

- (i) obtain information from the automated central licensing system and repository, unless the person is authorized to do so by statute; or
- (ii) initiate any civil action based on information obtained from the automated central licensing system if the information is not otherwise available to the person under any other state law; or
- (iii) initiate any civil action based on information obtained from the automated central licensing system if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(c) Documents, materials, and other forms of information in the control or possession of the automated central licensing system and repository that are furnished by the director, the director's designee, or a licensee, or that are otherwise obtained by the automated central licensing system and repository, are confidential and privileged by law and are not:

- (i) subject to inspection under IC 5-14-3;
- (ii) subject to subpoena;
- (iii) subject to discovery; or
- (iv) admissible in evidence in any civil action.

However, the director or the director's designee may use the documents, materials, or other information available to the director or the director's designee in furtherance of any action brought in connection with the director's duties under this article.

(d) Disclosure of documents, materials, and information:

- (i) to the director or the director's designee; or
- (ii) by the director or the director's designee;

under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(e) Information provided to the automated central licensing system and repository is subject to IC 4-1-11.

(f) This subsection does not limit or impair a person's right to:

- (i) obtain information;
- (ii) use information as evidence in a civil action or proceeding; or
- (iii) use information to initiate a civil action or proceeding;

if the information may be obtained from the director or the director's designee under any law.

(g) The director may require a licensee required to submit information to the automated central licensing system and repository to pay a processing fee considered reasonable by the director."

Page 25, line 22, after "hundred" insert "fifty".

Page 25, line 22, strike "\$500);" and insert "\$550);".

Page 25, line 29, delete "dollars (\$500)" and insert "fifty dollars (\$550)".

Page 26, line 4, before "dollars" insert "fifty".

Page 26, line 4, strike "\$500)" and insert "\$550)".

Page 26, line 5, after "five hundred" insert "fifty".

Page 26, line 6, strike "\$500)." and insert "\$550)".

Page 26, line 7, delete "dollars (\$500)" and insert "fifty dollars (\$550)".

Page 26, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 24. IC 24-4.5-7-401, AS AMENDED BY P.L.57-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 401. (1) A small loan may not be made for a term of less than fourteen (14) days.

(2) ~~After the borrower's fifth~~ **If five (5) consecutive small loan, loans have been made to a borrower after the borrower's initial small loan,** another small loan may not be made to that borrower within seven (7) days after the fifth consecutive small loan is paid in full. After the borrower's fifth consecutive small loan, the balance must be paid in full. ~~However, the borrower and lender may agree to enter into a simple interest loan; payable in installments; under IC 24-4.5-3 within seven (7) days after the due date of the fifth consecutive small loan.~~

(3) Subject to subsection (4), whenever a borrower has entered into an initial small loan followed by three (3) consecutive small loans, the lender shall offer the borrower the option to repay:

(a) the third consecutive small loan; and

(b) subject to subsection (2), any small loan entered into after the third consecutive small loan;

under an extended payment plan. At the time of execution of a small loan described in subdivision (a) or (b), the lender shall disclose to the borrower the extended payment plan option by providing the borrower a written description of the extended payment plan option in a separate disclosure document approved by the director.

(4) A lender shall offer an extended payment plan under subsection (3) under the following terms and conditions:

(a) A borrower shall be permitted to request an extended payment plan at any time during the term of a third or subsequent consecutive small loan if the borrower has not defaulted on the outstanding small loan.

(b) An extended payment plan must allow the outstanding small loan to be paid in at least four (4) equal installments over a period of not less than sixty (60) days.

(c) The lender may not assess any fee or charge on a borrower for entering into an extended payment plan.

(d) An agreement for an extended payment plan must be in writing and acknowledged by both the borrower and the lender.

(e) A borrower may not enter into another small loan transaction while engaged in an extended payment plan.

(5) An agreement for an extended payment plan under subsection (3):

(a) shall be considered an extension of the outstanding small loan; and

(b) may not be considered a new loan."

Page 27, delete lines 1 through 11.

Page 27, line 19, strike "fifteen" and insert "**twenty**".

Page 27, line 19, strike "(15%)" and insert "**(20%)**".

Page 28, line 11, after "hundred" insert "**fifty**".

Page 28, line 11, strike "(\$500),".

Page 28, line 13, before "excluding" insert "**(\$550),**".

Page 28, line 16, delete "dollars (\$500)" and insert "**fifty dollars (\$550)**".

Page 29, line 7, delete "A lender shall cause the record of a borrower's loan to be" and insert "**If a borrower presents evidence to a lender that a loan has been discharged in bankruptcy, the lender shall cause the record of the borrower's loan to be updated in the database described in subsection (4)(b) to reflect the bankruptcy discharge.**".

Page 29, delete lines 8 through 10.

Page 29, line 12, delete "deleted from a database described in subsection (4)(b) upon:" and insert "**updated in the database described in subsection (4)(b) to reflect:**".

Page 29, delete lines 37 through 42.

Page 30, delete lines 1 through 38.

Page 32, line 13, delete "twenty dollars (\$20)" and insert "**twenty-five dollars (\$25)**".

Page 45, line 5, reset in roman "In an appeal under this section, the court shall determine the".

Page 45, reset in roman line 6.

Page 69, line 23, reset in roman "In an appeal under this section, the".

Page 69, reset in roman line 24.

Page 76, line 41, reset in roman "In an appeal under this section,".

Page 76, reset in roman line 42.

Page 80, line 27, delete ""Unimpaired" and insert "**Except as provided in section 9(3)(J) of this chapter, "unimpaired"**".

Page 80, line 27, after "and" reset in roman "unimpaired".

Page 80, line 27, reset in roman "means the sum".

Page 80, reset in roman line 28.

Page 80, line 28, beginning with "(A)" begin a new line double block indented.

Page 80, line 28, beginning with "(B)" begin a new line double block indented.

Page 80, line 28, beginning with "(C)" begin a new line double block indented.

Page 80, line 29, reset in roman "regular reserve; and (D) allowance for loan and lease losses.".

Page 80, line 29, beginning with "(D)" begin a new line double block indented.

Page 80, line 29, delete "has".

Page 80, delete line 30.

Page 81, line 37, delete "an" and insert "**and**".

Page 81, line 39, after "department." insert "**For purposes of this clause, "unimpaired capital and unimpaired shares" has the meaning set forth in 12 CFR 700.2.**".

Page 87, line 37, reset in roman "In an appeal under".

Page 87, reset in roman line 38.

Page 106, delete lines 9 through 21, begin a new paragraph and insert:

"SECTION 87. IC 28-8-5-17 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) Except as otherwise provided in this chapter, a licensee may not charge check cashing fees in excess of:

(1) the greater of ~~five~~ **ten** dollars (~~\$5~~) (**\$10**) or ten percent (10%) of the face amount of a check, **in the case of a personal check; or**

(2) **the greater of five dollars (\$5) or five percent (5%) of the face amount of a check, in the case of all other checks.**

(b) Except as provided in this chapter, a licensee or the licensee's agent may not accept multiple checks from a:

(1) person;

(2) person's spouse; or

(3) person's agent;

drawn on the person's account with the intent that the licensee may collect multiple or increased fees for cashing the checks.".

Page 107, line 9, delete "JANUARY 1, 2007 (RETROACTIVE):" and insert "JULY 1, 2007:".

Page 109, delete line 36.

Page 109, line 37, delete "(2)" and insert "**(1)**".

Page 109, line 38, delete "(3)" and insert "**(2)**".

(Reference is to SB 559 as printed February 13, 2007.)

PAUL

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 567

Senator Lubbers called up Senate Bill 567 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 567-2)

Madam President: I move that Senate Bill 567 be amended to read as follows:

Page 11, line 36, after "existence" delete "on June 30, 2007," and insert "**during the academic year 2006-2007**".

(Reference is to SB 567 as printed February 9, 2007.)

LUBBERS

Motion prevailed.

#### SENATE MOTION

(Amendment 567-1)

Madam President: I move that Senate Bill 567 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 9, line 6, delete "Each" and insert "**If there is a specific appropriation from the general assembly to implement the program, each**".

Page 9, line 13, delete "4 Beginning" and insert "**4. If there is a specific appropriation from the general assembly to implement the program, beginning**".

Page 9, line 28, delete "Beginning" and insert "**If there is a specific appropriation from the general assembly to implement the program, beginning**".

Page 11, line 21, delete "The" and insert "**If there is a specific appropriation from the general assembly for conducting the**

review, the".

Page 11, delete lines 40 through 42.

Delete page 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 567 as printed February 9, 2007.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

## **ENGROSSED SENATE BILLS ON THIRD READING**

### **Engrossed Senate Bill 42**

Senator Bray called up Engrossed Senate Bill 42 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

### **Engrossed Senate Bill 163**

Senator Boots called up Engrossed Senate Bill 163 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Niezgodski and Duncan.

### **Engrossed Senate Bill 212**

Senator Ford called up Engrossed Senate Bill 212 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pierce and Ripley.

### **Engrossed Senate Bill 247**

Senator Mrvan called up Engrossed Senate Bill 247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Lawson.

### **Engrossed Senate Bill 292**

Senator Landske called up Engrossed Senate Bill 292 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 35 nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pierce, Lehe, and Richardson.

### **Engrossed Senate Bill 337**

Senator Riegsecker called up Engrossed Senate Bill 337 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Walorski.

The President of the Senate yielded the gavel to Senator Long.

### **Engrossed Senate Bill 471**

Senator Wyss called up Engrossed Senate Bill 471 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

## SENATE MOTION

Madam President: I move that Senator Hume be added as third author and Senators Skinner, Zakas, and Miller be added as coauthors of Senate Bill 568.

MEEKS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 42.

BRAY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 45.

BRAY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Engrossed Senate Bill 471.

WYSS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 487.

WYSS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 503.

MILLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Weatherwax be added as second author and Senator Hershman be added as third author of Senate Bill 270.

HEINOLD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 577.

MERRITT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 88.

WEATHERWAX

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 534.

LUBBERS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senators Wyss and Delph be added as coauthors of Senate Bill 341.

FORD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 515.

BOWSER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Skinner be added as second author of Senate Bill 106.

LANANE

Motion prevailed.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1274, 1738, 1038, 1042, 1060, 1081, 1167, 1210, 1379, 1382, and 1479 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

**SENATE MOTION**

Madam President: I move we adjourn until 1:45 p.m., Monday, February 19, 2007.

**LAWSON**

Motion prevailed.

The Senate adjourned at 3:45 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate